

AMENDED IN ASSEMBLY JUNE 15, 2000

AMENDED IN SENATE MAY 2, 2000

AMENDED IN SENATE MAY 1, 2000

SENATE BILL

No. 2030

Introduced by Senator Figueroa

February 25, 2000

An act to amend Sections 6706, 6710, 6712, 6714, 6716, 6717, 6730.2, 6735, 6735.3, 6735.4, 6738, 6741, 6755.1, 6756, 6760, 6775, 6776, 6787, 6795, 6799, 8708, 8729, 8741.1, 8747, 8751, 8753, 8761, 8773.4, 8775, 8780, 8781, ~~and 8792~~ 8792, 8801, *and* 8805 of, to add Sections 6704.1, 6731.5, 6731.6, ~~6749~~, 6763.1, 6775.1, ~~8759~~, and 8780.1 to, and to repeal Sections 6735.2 and 6755.2 of, the Business and Professions Code, relating to professional engineers and land surveyors, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 2030, as amended, Figueroa. Engineers and land surveyors.

(1) Existing law establishes within the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors that is empowered to adopt rules and regulations governing the regulation and the registration and licensure of engineers and land surveyors. Under existing law, the provisions creating the board and enumerating some of its powers will become inoperative on July 1, 2001, and will be repealed on January 1, 2002.

This bill would change these dates, making these provisions become inoperative on July 1, 2003, and repealing these provisions on January 1, 2004.

(2) Existing law provides for the licensing and regulation of engineers and land surveyors. Existing law permits the Board for Professional Engineers and Land Surveyors to determine the scope of practice for electrical and mechanical engineers.

This bill would delete that authority, and would describe the scope of practice of those 2 branches of engineering.

(3) Existing law permits the board to adopt rules and regulations necessary to govern its action, and permits the board to discipline professional engineers and licensed land surveyors.

This bill would permit the board to adopt rules and regulations relating to professional conduct ~~to maintain a high standard of integrity~~ in the engineering and land surveying professions, and would revise the provisions relating to reprobving, revoking, or suspending a professional engineers' certificate or licensed land surveyor's license. ~~The bill would also require, with certain exceptions, that professional engineering services and land surveying services be undertaken only after the execution of a written contract containing specified terms and conditions.~~ This bill would require the department to review certain engineering branch titles to determine whether to eliminate or convert any of them to practice acts and report its findings and recommendations to the Legislature by September 1, 2001.

(4) *Existing law provides for a 4-year renewable license for professional engineers and land surveyors, and provides for application fees for certification or licensure.*

This bill would require license renewal every 2 years, and would increase the maximum fees that may be charged for licensing and certification. Those fees would be deposited in the Professional Engineer's and Land Surveyor's Fund, a continuously appropriated fund, thereby making an appropriation.

(5) Existing law makes a violation of the regulatory provisions of the Professional Engineers Act and the Professional Land Surveyor's Act a misdemeanor.

This bill would make practicing as a professional engineer or a land surveyor with a suspended certificate a misdemeanor. This bill would also make representing oneself as a professional land surveyor, licensed land surveyor, or land surveyor, without having been licensed or certified, or acting as a manager, proprietor, or agent in a place of business performing land surveying work, except as specifically permitted, a misdemeanor.

~~(5)~~

(6) Under existing law, a registered civil engineer is not responsible for damages caused by subsequent changes to or uses of civil engineering plans, specifications, or reports that the registered civil engineer signed if he or she did not authorize the subsequent changes or uses and the engineering service he or she provided was not also a proximate cause of the damage.

This bill would apply these provisions to electrical and mechanical engineers so that they would not be responsible for damages caused, respectively, by subsequent changes to or uses of electrical or mechanical plans, specifications, or reports that they had signed if they did not authorize the subsequent changes or uses, and the engineering service they provided was not also a proximate cause of the damage.

~~(6)~~

(7) Existing law generally requires registration by the Board for Professional Engineers and Land Surveyors within the Department of Consumer Affairs in order to lawfully practice in this state as a civil, electrical, or mechanical engineer. Under existing law, an exemption from this registration requirement is made for a nonresident person, firm, partnership, or corporation who is legally qualified in another state to practice civil engineering and only offers to, but does not practice, civil engineering in this state and who meets other specified requirements.

This bill would extend this same registration exemption to a nonresident person, firm, partnership, or corporation who is legally qualified in another state to practice electrical or mechanical engineering and only offers to, but does not practice, electrical or mechanical engineering in this state.

~~(7)~~



(8) Under existing law, the examinations administered by the board for registration as a professional engineer and for licensure as a professional land surveyor consist of 2 divisions, the 2nd of which includes questions to test the applicant's knowledge of state laws and the board's rules and regulations. Existing law requires that these questions be based upon information contained in a pamphlet prepared and distributed by the board to the applicants.

This bill would delete the requirement that the 2nd division of the examinations be based upon the information contained in this pamphlet.

~~(8)~~

(9) Under existing law, the board may issue to applicants who are legally qualified to practice as a professional engineer or as a land surveyor in another state or country a temporary authorization, for a period of 60 consecutive days, to practice as a professional engineer or a professional land surveyor for a specific project in this state. Under existing law, the board may extend the temporary authorization for a period not to exceed 120 consecutive days.

This bill would make the duration of the temporary authorization 120 consecutive days upon its issuance; would require the applicant to pass the second division portion of the registration or licensure examination that covers state laws and the board's rules and regulations; would require the applicant to notify the board of the approximate commencement date and duration of the specific project for which the temporary authorization to practice is requested; and would specify that the applicant is required to demonstrate to the board knowledge in his or her particular profession as it relates to the specific project for which the temporary authorization to practice is sought.

~~(9)~~

(10) Under existing law, the board is authorized to take disciplinary action against registered professional engineers and licensed land surveyors for specified acts of misconduct. Existing law also authorizes the board to issue to applicants who have passed the first division of the examination for registration as a professional engineer or licensure as a land surveyor, an engineer-in-training certificate or a land



surveyor-in-training certificate, respectively. Under existing law, the engineer-in-training certificate becomes invalid upon the holder being registered with the board as a professional engineer.

This bill would authorize the board to receive and investigate complaints concerning persons holding these certificates and to take disciplinary action against them for specified acts of misconduct. This bill would also make the land surveyor-in-training certificate invalid upon the holder being licensed by the board as a land surveyor.

~~(10)~~

(11) Existing law prohibits any person who is not licensed under the provisions of the Professional Land Surveyors Act from using specified professional titles and makes a violation of this provision a crime.

This bill would additionally prohibit an unlicensed person from using any combination or abbreviation of the words in these professional titles. By adding this provision, this bill would expand the scope of an existing crime and thereby impose a state-mandated local program.

~~(11)~~

(12) Existing law provides a “good samaritan” immunity with respect to liability in negligence for personal injury, wrongful death, or property damage for an engineer, who voluntarily and without compensation provides structural inspection services at the scene of a declared national, state, or local emergency caused by earthquake at the request of certain public officials. This bill would expand this immunity to also apply to declared emergencies involving flood, riot, or fire.

~~(12)~~

(13) Existing law regulates the use of certain professional titles relative to engineering and land surveying. This bill would make various changes to these provisions.

~~(13)~~

(14) Existing law exempts an architect who holds an appropriate certificate from registration under the Professional Engineers’ Act insofar as he or she is practicing architecture.

This bill in this regard would provide that an architect may not use various professional engineering titles, unless he or she holds a license issued by the board.

(14)

(15) Existing law specifies various violations under both acts that are misdemeanors.

This bill would make various changes to these provisions.

(15)

(16) Existing law requires that 5 of the 13 board members be registered under this chapter.

This bill would require that one of those members be from a local public agency and that one be from a state agency.

(16)

(17) Existing law requires a person who wants to use the title “structural engineer” to submit an application to the board and pay a fee.

This bill would require an applicant to have successfully passed a written national examination and a supplemental California specific examination.

This bill would make other related changes.

Because a violation of certain provisions of this bill would be a crime, this bill would impose a state-mandated local program by expanding the definition of a crime.

(17)

(18) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6704.1 is added to the Business
2 and Professions Code, to read:

3 6704.1. (a) The Department of Consumer Affairs, in
4 conjunction with the board, *and the Joint Legislative*
5 *Sunset Review Committee* shall ~~be responsible for~~

1 ~~reviewing~~ review the engineering branch titles specified
2 in Section 6732 to determine whether certain title acts
3 should be eliminated from this chapter, *retained*, or
4 converted to practice acts similar to civil, electrical, and
5 mechanical engineering, and whether supplemental
6 engineering work should be permitted for all branches of
7 engineering. The ~~board~~ department shall contract with
8 an independent consulting firm to perform this
9 comprehensive analysis of title act registration.

10 (b) *The independent consultant shall perform, but not*
11 *be limited to, the following: (1) meet with*
12 *representatives of each of the engineering branches and*
13 *other professional groups; (2) examine the type of*
14 *services and work provided by engineers in all branches*
15 *of engineering and interrelated professions within the*
16 *marketplace, to determine the interrelationship that*
17 *exists between the various branches of engineers and*
18 *other interrelated professions; (3) review and analyze*
19 *educational requirements of engineers; (4) identify the*
20 *degree to which supplemental or “overlapping” work*
21 *between engineering branches and interrelated*
22 *professions occurs; (5) review alternative methods of*
23 *regulation of engineers in other states and what impact*
24 *the regulations would have if adopted in California; (6)*
25 *identify the manner in which local and state agencies*
26 *utilize regulations and statutes to regulate engineering*
27 *work; and, (7) recommend changes to existing laws*
28 *regulating engineers after considering how these*
29 *changes may effect the health, safety, and welfare of the*
30 *public.*

31 (c) *The board shall reimburse the department for*
32 *costs associated with this comprehensive analysis. The*
33 *department shall report its findings and*
34 *recommendations to the Legislature by September 1,*
35 *2001.*

36 SEC. 2. Section 6706 of the Business and Professions
37 Code is amended to read:

38 6706. (a) An engineer who voluntarily, without
39 compensation or expectation of compensation, provides
40 structural inspection services at the scene of a declared

1 national, state, or local emergency caused by a flood, riot,
2 fire, or earthquake at the request of a public official,
3 public safety officer, or city or county building inspector
4 acting in an official capacity shall not be liable in
5 negligence for any personal injury, wrongful death, or
6 property damage caused by the engineer's good faith but
7 negligent inspection of a structure used for human
8 habitation or owned by a public entity for structural
9 integrity or nonstructural elements affecting life and
10 safety.

11 The immunity provided by this section shall apply only
12 for an inspection that occurs within 30 days of the
13 declared emergency.

14 Nothing in this section shall provide immunity for gross
15 negligence or willful misconduct.

16 (b) As used in this section:

17 (1) "Engineer" means a person registered under this
18 chapter as a professional engineer, including any of the
19 branches thereof.

20 (2) "Public safety officer" has the meaning given in
21 Section 3301 of the Government Code.

22 (3) "Public official" means a state or local elected
23 officer.

24 SEC. 3. Section 6710 of the Business and Professions
25 Code is amended to read:

26 6710. (a) There is in the Department of Consumer
27 Affairs a Board for Professional Engineers and Land
28 Surveyors, which consists of 13 members.

29 (b) Any reference in any law or regulation to the
30 Board of Registration for Professional Engineers and
31 Land Surveyors is deemed to refer to the Board for
32 Professional Engineers and Land Surveyors.

33 (c) This section shall become inoperative on July 1,
34 2003, and, as of January 1, 2004, is repealed, unless a later
35 enacted statute, that becomes effective on or before
36 January 1, 2004, deletes or extends the dates on which it
37 becomes inoperative and is repealed. The repeal of this
38 section renders the board subject to the review required
39 by Division 1.2 (commencing with Section 473).
40 However, the review of the board shall be limited to only

1 those unresolved issues identified by the Joint Legislative
2 Sunset Review Committee.

3 SEC. 4. Section 6712 of the Business and Professions
4 Code is amended to read:

5 6712. All appointments to the board shall be for a term
6 of four years. Vacancies shall be filled by appointment for
7 the unexpired term. Each appointment thereafter shall
8 be for a four-year term expiring on June 1 of the fourth
9 year following the year in which the previous term
10 expired.

11 Each member shall hold office until the appointment
12 and qualification of his or her successor or until one year
13 shall have elapsed since the expiration of the term for
14 which he or she was appointed, whichever first occurs. No
15 person shall serve as a member of the board for more than
16 two consecutive terms.

17 The Governor shall appoint professional members so
18 that one is licensed to practice engineering as a civil
19 engineer, one as an electrical engineer, one as a
20 mechanical engineer, another is authorized to use the
21 title of structural engineer, and one is a member of one
22 of the remaining branches of engineering. One of the
23 professional members registered under this chapter shall
24 be from a local public agency, and one shall be from a
25 state agency.

26 The Governor shall appoint five of the public members
27 and the professional members qualified as provided in
28 Section 6711. The Senate Rules Committee and the
29 Speaker of the Assembly shall each appoint a public
30 member.

31 SEC. 5. Section 6714 of the Business and Professions
32 Code is amended to read:

33 6714. The board shall appoint an executive officer at
34 a salary to be fixed and determined by the board with the
35 approval of the Director of Finance.

36 This section shall become inoperative on July 1, 2003,
37 and, as of January 1, 2004, is repealed, unless a later
38 enacted statute, that becomes effective on or before
39 January 1, 2004, deletes or extends the dates on which it
40 becomes inoperative and is repealed.

1 SEC. 6. Section 6716 of the Business and Professions
2 Code is amended to read:

3 6716. (a) The board may adopt rules and regulations
4 consistent with law and necessary to govern its action.
5 These rules and regulations shall be adopted in
6 accordance with the provisions of the Administrative
7 Procedure Act.

8 (b) The board may adopt rules and regulations of
9 professional conduct ~~to maintain a high standard of~~
10 ~~integrity in the engineering profession that are not~~
11 ~~inconsistent with state or federal law.~~ The rules and
12 regulations shall include definitions of incompetence and
13 negligence. Every person who holds a license or
14 certificate issued by the board pursuant to this chapter
15 shall be governed by these rules and regulations.

16 (c) The board shall hold at least two regular meetings
17 each year. Special meetings shall be held at such times as
18 the board rules provide. A majority of the board
19 constitutes a quorum. Except as otherwise provided by
20 law, the vote required for any action of the board is a
21 majority of the members present, but not less than five.

22 SEC. 7. Section 6717 of the Business and Professions
23 Code is amended to read:

24 6717. The board may, by regulation, define the scope
25 of each branch of professional engineering other than
26 civil, electrical, and mechanical engineering for which
27 registration is provided under this chapter.

28 SEC. 8. Section 6730.2 of the Business and Professions
29 Code is amended to read:

30 6730.2. It is the intent of the Legislature that the
31 registration requirements which are imposed upon
32 private sector professional engineers and engineering
33 partnerships, firms, or corporation shall be imposed upon
34 the state and any city, county, or city and county which
35 shall adhere to those requirements. Therefore, for the
36 purposes of Section 6730 and this chapter, at least one
37 registered engineer shall be designated the person in
38 responsible charge of professional engineering work for
39 each branch of professional engineering practiced in any

1 department or agency of the state, city, county, or city
2 and county.

3 Any department or agency of the state or any city,
4 county, or city and county which has an unregistered
5 person in responsible charge of engineering work on
6 January 1, 1985, shall be exempt from this requirement
7 until that time as the person currently in responsible
8 charge is replaced.

9 SEC. 9. Section 6731.5 is added to the Business and
10 Professions Code, to read:

11 6731.5. (a) Electrical engineering is that branch of
12 professional engineering described in Section 6734.1 that
13 embraces studies or activities relating to the generation,
14 transmission, and utilization of electrical energy,
15 including the design of electrical, electronic, and
16 magnetic circuits, and the technical control of their
17 operation and of the design of electrical gear. It is
18 concerned with the research, organizational, and
19 economic aspects of the above.

20 (b) *The design of electronic and magnetic circuits is*
21 *not exclusive to the practice of electrical engineering, as*
22 *defined in subdivision (a).*

23 SEC. 10. Section 6731.6 is added to the Business and
24 Professions Code, to read:

25 6731.6. Mechanical engineering is that branch of
26 professional engineering described in Section 6734.2 that
27 deals with engineering problems relating to generation,
28 transmission, and utilization of energy in the thermal or
29 mechanical form and also with engineering problems
30 relating to the production of tools, machinery, and their
31 products, and to heating, ventilation, refrigeration, and
32 plumbing. It is concerned with the research, design,
33 production, operational, organizational, and economic
34 aspects of the above.

35 SEC. 11. Section 6735 of the Business and Professions
36 Code is amended to read:

37 6735. (a) All civil engineering plans, specifications,
38 and reports shall be prepared by a registered civil
39 engineer, or by a subordinate under his or her direction,
40 and shall be signed by him or her to indicate his or her

1 responsibility for them. In addition to the signature, all
2 final civil engineering plans, specifications, and reports
3 shall bear the seal or stamp of the registrant, and the
4 expiration date of the certificate or authority. The
5 registered civil engineer shall use together with his or her
6 signature or seal, the title “civil engineer” or, if he or she
7 has the authority, the title “structural engineer” or, if he
8 or she has the authority, the title “soil engineer.” If the
9 final civil engineering plans, specifications, or reports
10 have multiple pages or sheets, the signature, seal or
11 stamp, and expiration date of the certificate or authority
12 need only appear on the originals of the plans and on the
13 original title sheet of the specifications and reports.

14 (b) Notwithstanding subdivision (a), a registered civil
15 engineer who signs civil engineering plans, specifications,
16 reports, or documents shall not be responsible for damage
17 caused by subsequent changes to or uses of those plans,
18 specifications, reports, or documents, if the subsequent
19 changes or uses, including changes or uses made by state
20 or local governmental agencies, are not authorized or
21 approved by the registered engineer who originally
22 signed the plans, specifications, reports, or documents,
23 provided that the engineering service rendered by the
24 civil engineer who signed the plans, specifications,
25 reports, or documents was not also a proximate cause of
26 the damage.

27 SEC. 12. Section 6735.2 of the Business and
28 Professions Code is repealed.

29 SEC. 13. Section 6735.3 of the Business and
30 Professions Code is amended to read:

31 6735.3. (a) All electrical engineering plans,
32 specifications, reports, or documents prepared by a
33 registered electrical engineer or by a subordinate under
34 his or her direction shall be signed by the engineer to
35 indicate his or her responsibility for them. In addition to
36 his or her signature, the engineering plans, specifications,
37 reports, or documents shall bear the seal or stamp of the
38 registrant, and the expiration date of the registration. If
39 the final electrical engineering plans, specifications, or
40 reports have multiple pages or sheets, the signature, seal

1 or stamp, and the expiration date of the certificate of
2 registration need only appear on the originals of the plans
3 and on the original title sheet of the specifications and
4 reports.

5 (b) Notwithstanding subdivision (a), a registered
6 electrical engineer who signs electrical engineering
7 plans, specifications, reports, or documents shall not be
8 responsible for damage caused by subsequent changes to
9 or uses of those plans, specifications, reports, or
10 documents, if the subsequent changes or uses, including
11 changes or uses made by state or local governmental
12 agencies, are not authorized or approved by the
13 registered engineer who originally signed the plans,
14 specifications, reports, or documents, provided that the
15 engineering service rendered by the electrical engineer
16 who signed the plans, specifications, reports, or
17 documents was not also a proximate cause of the damage.

18 SEC. 14. Section 6735.4 of the Business and
19 Professions Code is amended to read:

20 6735.4. (a) All mechanical engineering plans,
21 specifications, reports, or documents prepared by a
22 registered mechanical engineer or by a subordinate
23 under his or her direction shall be signed by the engineer
24 to indicate his or her responsibility for them. In addition
25 to his or her signature, the engineering plans,
26 specifications, reports, or documents shall bear the seal or
27 stamp of the registrant, and the expiration date of the
28 registration. If the final mechanical engineering plans,
29 specifications, or reports have multiple pages or sheets,
30 the signature, seal or stamp, and the expiration date of the
31 certificate of registration need only appear on the
32 originals of the plans and on the original title sheet of the
33 specifications and reports.

34 (b) Notwithstanding subdivision (a), a registered
35 mechanical engineer who signs mechanical engineering
36 plans, specifications, reports, or documents shall not be
37 responsible for damage caused by subsequent changes to
38 or uses of those plans, specifications, reports, or
39 documents, if the subsequent changes or uses, including
40 changes or uses made by state or local governmental

1 agencies, are not authorized or approved by the
2 registered engineer who originally signed the plans,
3 specifications, reports, or documents, provided that the
4 engineering service rendered by the mechanical
5 engineer who signed the plans, specifications, reports, or
6 documents was not also a proximate cause of the damage.

7 SEC. 15. Section 6738 of the Business and Professions
8 Code is amended to read:

9 6738. (a) This chapter does not prohibit one or more
10 civil, electrical, or mechanical engineers from practicing
11 or offering to practice within the scope of their
12 registration, civil, electrical, or mechanical engineering
13 as a sole proprietorship, partnership, firm, or corporation
14 (hereinafter called business), if all of the following
15 requirements are met:

16 (1) A civil, electrical, or mechanical engineer
17 currently registered in this state is an owner, part owner,
18 or officer in charge of the engineering practice of the
19 business.

20 (2) All engineering plans, specifications, reports, and
21 documents are prepared under the responsible charge of
22 a registered engineer in the appropriate branch of
23 professional engineering.

24 (3) The business name of a California business shall
25 only contain the name of any person who is registered by
26 the board in a branch of professional engineering, a
27 licensed land surveyor, a licensed architect, or a geologist
28 registered under the Geologist Act (Chapter 12.5
29 (commencing with Section 7800)). Any offer, promotion,
30 or advertisement by the business which contains the
31 name of any individual in the business, other than by use
32 of the name of an individual in the business name, shall
33 clearly and specifically designate the license or
34 registration discipline of each individual named.

35 (b) An out-of-state business with a branch office in this
36 state shall meet the requirements of subdivision (a) and
37 shall have a part owner or officer who is in charge of the
38 engineering work in the branch in this state, who is
39 registered in this state, and who is physically present at
40 the branch office in this state on a regular basis. However,

1 the name of the business may contain the name of any
2 person not registered in this state if that person is
3 appropriately registered in another state. Any offer,
4 promotion, or advertisement which contains the name of
5 any individual in the business, other than by use of the
6 names of the individuals in the business name, shall
7 clearly and specifically designate the license or
8 registration discipline of each individual named.

9 (c) A fictitious name may be used for an engineering
10 business if (1) the name does not conflict with paragraph
11 (3) of subdivision (a) requiring that names used in the
12 business name shall be appropriately registered
13 individuals, and (2) an organization record form is filed
14 with the board.

15 (d) A nonregistered person may also be a part owner
16 or an officer of a civil, electrical, or mechanical
17 engineering business if the requirements of subdivision
18 (a) are met.

19 (e) This chapter does not prevent an individual or
20 business engaged in any line of endeavor other than the
21 practice of civil, electrical, or mechanical engineering
22 from employing or contracting with a registered civil,
23 electrical, or mechanical engineer to perform the
24 respective engineering services incidental to the conduct
25 of business.

26 (f) This section shall not prevent the use of the name
27 of any business engaged in rendering civil, electrical, or
28 mechanical engineering services, including the use by
29 any lawful successor or survivor, which lawfully was in
30 existence on December 31, 1987. However, the business
31 is subject to paragraphs (1) and (2) of subdivision (a), and
32 the business shall file an organization record form with
33 the board as designated by board rule.

34 (g) A business engaged in rendering civil, electrical, or
35 mechanical engineering services may use in its name the
36 name of a deceased or retired person provided all of the
37 following conditions are satisfied:

38 (1) The person's name had been used in the name of
39 the business, or a predecessor in interest of the business,
40 prior to and after the death or retirement of the person.

(2) The person shall have been an owner, part owner, or officer of the business, or an owner, part owner, or officer of the predecessor in interest of the business.

(3) The person shall have been licensed as a professional engineer, or a land surveyor, or an architect, or a geologist, (A) by the appropriate licensing board if that person is operating a place of business or practice in this state, or (B) by the applicable state board in the event no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another professional engineering business in this state during the period of the consent. However, the retired person may use his or her name as the name of a new or purchased business if it is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to the provisions of paragraphs (1) and (2) of subdivision (a).

(6) The business files a current organization record form with the board.

(h) This section does not affect the provisions of Sections 6731.2 and 8726.1.

SEC. 16. Section 6741 of the Business and Professions Code is amended to read:

6741. Any person, firm, partnership, or corporation is exempt from registration under the provisions of this chapter who meets all the following:

(a) Is a nonresident of the State of California.

(b) Is legally qualified in another state to practice as a civil, electrical, or mechanical engineer.

(c) Does not maintain a regular place of business in this state.

(d) Offers to but does not practice civil, electrical, or mechanical engineering in this state.

~~SEC. 17. Section 6749 is added to the Business and Professions Code, to read:~~

~~6749. (a) A professional engineer shall use a written contract when agreeing to provide professional engineering services to a client pursuant to this chapter.~~

~~The written contract shall be executed by the professional engineer and the client, or his or her representative, prior to the professional engineer commencing work, unless the client consents in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:~~

~~(1) A description of the services to be provided to the client by the professional engineer.~~

~~(2) A description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.~~

~~(3) The name, address, and license, or certificate number of the professional engineer, and the name and address of the client.~~

~~(4) A description of the procedure that the professional engineer and the client will use to add services not included in the contract.~~

~~(5) A description of the procedure to be used by either party to terminate the contract.~~

~~(b) This section shall not apply to the following:~~

~~(1) Professional engineering services rendered by a professional engineer for which the professional engineer agrees not to be paid.~~

~~(2) An arrangement as to the basis for compensation, and the manner of providing professional engineering services, implied by the fact that the professional engineer's services are of the same general kind that the professional engineer has previously rendered to and received payment for, from the same client.~~

~~(3) If the client knowingly states in writing after full disclosure of this section that a contract which complies with the requirements of this section is not required.~~

~~(4) Professional engineering services rendered by a professional engineer to any of the following:~~

~~(A) A professional engineer licensed or registered under this chapter.~~

~~(B) A land surveyor licensed under Chapter 15 (commencing with Section 8700).~~

1 ~~(C) An architect licensed under Chapter 3~~
2 ~~(commencing with Section 5500).~~

3 ~~(D) A contractor licensed under Chapter 9~~
4 ~~(commencing with Section 7000).~~

5 ~~(E) A geologist or a geophysicist licensed under~~
6 ~~Chapter 12.5 (commencing with Section 7800).~~

7 ~~SEC. 18.~~

8 *SEC. 17.* Section 6755.1 of the Business and
9 Professions Code is amended to read:

10 6755.1. (a) The second division of the examination
11 for registration as a professional engineer shall include
12 questions to test the applicant's knowledge of state laws
13 and the board's rules and regulations regulating the
14 practice of professional engineering. The board shall
15 prepare and distribute to applicants for the second
16 division of the examination, a plain language pamphlet
17 describing the provisions of this chapter and the board's
18 rules and regulations regulating the practice of
19 professional engineering in this state. The board shall
20 administer the test on state laws and board rules
21 regulating the practice of engineering in this state as a
22 separate part of the second division of the examination for
23 registration as a professional engineer.

24 (b) On and after April 1, 1988, the second division of
25 the examination for registration as a civil engineer shall
26 also include questions to test the applicant's knowledge
27 of seismic principles and engineering surveying
28 principles as defined in Section 6731.1. No registration for
29 a civil engineer shall be issued by the board on or after
30 January 1, 1988, to any applicant unless he or she has
31 successfully completed questions to test his or her
32 knowledge of seismic principles and engineering
33 surveying principles.

34 The board shall administer the questions to test the
35 applicant's knowledge of seismic principles and
36 engineering surveying principles as a separate part of the
37 second division of the examination for registration as a
38 civil engineer.

39 It is the intent of the Legislature that this section
40 confirm the authority of the board to issue registrations

1 prior to April 1, 1988, to applicants based on examinations
2 not testing the applicant's knowledge of seismic
3 principles and engineering surveying principles as
4 defined in Section 6731.1.

5 ~~SEC. 19.~~

6 *SEC. 18.* Section 6755.2 of the Business and
7 Professions Code is repealed.

8 ~~SEC. 20.~~

9 *SEC. 19.* Section 6756 of the Business and Professions
10 Code is amended to read:

11 6756. (a) An applicant for certification as an
12 engineer-in-training shall, upon making a passing grade
13 in that division of the examination prescribed in Section
14 6755 of this chapter, relating to fundamental engineering
15 subjects, be issued a certificate as an engineer-in-training.
16 No renewal or other fee, other than the application fee,
17 shall be charged for this certification. The certificate shall
18 become invalid when the holder has qualified as a
19 professional engineer as provided in Section 6762 of this
20 chapter.

21 (b) An engineer-in-training certificate does not
22 authorize the holder thereof to practice or offer to
23 practice civil, electrical or mechanical engineering work,
24 in his own right, or to use the titles specified in Sections
25 6732 and 6763.

26 (c) No person shall use the title of
27 engineer-in-training, or any abbreviation of that title,
28 unless he or she is the holder of a valid
29 engineer-in-training certificate.

30 ~~SEC. 21.~~

31 *SEC. 20.* Section 6760 of the Business and Professions
32 Code is amended to read:

33 6760. A temporary authorization to practice
34 engineering in a branch defined by this chapter may be
35 granted for a specific project, upon application and
36 payment of the fee prescribed in Section 6799, for a
37 period not to exceed 180 consecutive days, if the applicant
38 complies with all of the following:

39 (a) The applicant maintains no place of business in this
40 state.

(b) The applicant is legally qualified to practice the branch of engineering in which he or she is seeking the temporary authorization in the state or country where he or she maintains a place of business.

(c) (1) The applicant, if applying for a temporary authorization to practice civil engineering, demonstrates by means of an individual appearance before the board satisfactory evidence of his or her knowledge of the application of seismic forces in the design of structures or adequate knowledge in any of the other phases of civil engineering as related to the specific project for which the temporary authorization is requested.

(2) The applicant, if applying for a temporary authorization to practice engineering in a branch defined by this chapter other than civil engineering, demonstrates by means of an individual appearance before the board, satisfactory evidence of his or her knowledge in the branch of professional engineering in which the applicant proposes to practice under the temporary authorization as related to the specific project for which the temporary authorization is requested.

(d) The applicant takes and passes the examination in the state laws and board rules described in Section 6755.1.

(e) The applicant notifies the board in writing of his or her intention to practice, stating the approximate date he or she intends to commence the specific project and the approximate duration of the specific project, which shall not exceed 180 consecutive days from the commencement date of the specific project.

Upon completion of the requirements, the executive officer, on the direction of the board, shall issue a temporary authorization to the applicant.

~~SEC. 22.~~

SEC. 21. Section 6763.1 is added to the Business and Professions Code, to read:

6763.1. An applicant to use the title “structural engineer” shall have successfully passed a written examination that incorporates a national examination for structural engineering by a nationally recognized entity approved by the board, and a supplemental California

1 specific examination. The California specific examination
2 shall test the applicant's knowledge of state laws, rules,
3 and regulations, and of seismicity and structural
4 engineering unique to practice in this state. The board
5 shall use the national examination on or before December
6 31, 2004.

7 ~~SEC. 23.~~

8 *SEC. 22.* Section 6775 of the Business and Professions
9 Code is amended to read:

10 6775. The board may receive and investigate
11 complaints against registered professional engineers, and
12 make findings thereon.

13 By a majority vote, the board may reprove, suspend for
14 a period not to exceed two years, or revoke the certificate
15 of any professional engineer registered under this
16 chapter:

17 (a) Who has been convicted of a crime substantially
18 related to the qualifications, functions and duties of a
19 registered professional engineer, in which case the
20 certified record of conviction shall be conclusive
21 evidence thereof.

22 (b) Who has been found guilty by the board of any
23 deceit, misrepresentation, or fraud in his or her practice.

24 (c) Who has been found guilty by the board of
25 negligence or incompetence in his or her practice.

26 (d) Who has been found guilty by the board of any
27 breach or violation of a contract to provide professional
28 engineering services.

29 (e) Who has been found guilty of any fraud or deceit
30 in obtaining his or her certificate.

31 (f) Who aids or abets any person in the violation of any
32 provision of this chapter.

33 (g) Who in the course of the practice of professional
34 engineering has been found guilty by the board of having
35 violated a rule or regulation of unprofessional conduct
36 adopted by the board.

37 (h) Who violates any provision of this chapter.

38 ~~SEC. 24.~~

39 *SEC. 23.* Section 6775.1 is added to the Business and
40 Professions Code, to read:

1 6775.1. The board may receive and investigate
2 complaints against engineers-in-training, and make
3 findings thereon.

4 By a majority vote, the board may revoke the
5 certificate of any engineer-in-training:

6 (a) Who has been convicted of a crime as defined in
7 subdivision (a) of Section 480.

8 (b) Who has been found guilty of any fraud, deceit, or
9 misrepresentation in obtaining his or her
10 engineer-in-training certificate or certificate of
11 registration, certification, or authority as a professional
12 engineer.

13 (c) Who aids or abets any person in the violation of any
14 provision of this chapter.

15 (d) Who violates Section 119 with respect to an
16 engineer-in-training certificate or commits any act
17 described in Section 6787.

18 (e) Who violates any provision of this chapter.

19 ~~SEC. 25.~~

20 *SEC. 24.* Section 6776 of the Business and Professions
21 Code is amended to read:

22 6776. The proceedings under this article shall be
23 conducted in accordance with Chapter 4 (commencing
24 with Section 11370), Chapter 4.5 (commencing with
25 Section 11400), and Chapter 5 (commencing with Section
26 11500) of Part 1 of Division 3 of Title 2 of the Government
27 Code, and the board shall have all the powers granted
28 therein.

29 ~~SEC. 26.~~

30 *SEC. 25.* Section 6787 of the Business and Professions
31 Code is amended to read:

32 6787. Every person is guilty of a misdemeanor:

33 (a) Who, unless he or she is exempt from registration
34 under this chapter, practices or offers to practice civil,
35 electrical, or mechanical engineering in this state
36 according to the provisions of this chapter without legal
37 authorization.

38 (b) Who presents or attempts to file as his or her own
39 the certificate of registration of a licensed professional

1 engineer unless he or she is the person named on the
2 certificate of registration.

3 (c) Who gives false evidence of any kind to the board,
4 or to any member thereof, in obtaining a certificate of
5 registration.

6 (d) Who impersonates or uses the seal of a licensed
7 professional engineer.

8 (e) Who uses an expired, suspended, or revoked
9 certificate issued by the board.

10 (f) Who represents himself or herself as, or uses the
11 title of, registered civil, electrical, or mechanical
12 engineer, or any other title whereby that person could be
13 considered as practicing or offering to practice civil,
14 electrical, or mechanical engineering in any of its
15 branches, unless he or she is correspondingly qualified by
16 registration as a civil, electrical, or mechanical engineer
17 under this chapter.

18 (g) Who, unless appropriately registered, manages, or
19 conducts as manager, proprietor, or agent, any place of
20 business from which civil, electrical, or mechanical
21 engineering work is solicited, performed, or practiced,
22 except as authorized pursuant to subdivision (d) of
23 Section 6738 and Section 8726.1.

24 (h) Who uses the title, or any combination of that title,
25 of “professional engineer,” “licensed engineer,”
26 “registered engineer,” or the branch titles specified in
27 Section 6732, or the authority titles specified in Section
28 6763, or “engineer-in-training,” or who makes use of any
29 abbreviation of that title that might lead to the belief that
30 he or she is a registered engineer or holds a certificate as
31 an engineer-in-training, without being registered or
32 certified as required by this chapter.

33 (i) Who uses the title “consulting engineer” without
34 being registered as required by this chapter or without
35 being authorized to use that title pursuant to legislation
36 enacted at the 1963, 1965 or 1968 Regular Session.

37 (j) Who violates any provision of this chapter.

38 *SEC. 26. Section 6795 of the Business and Professions*
39 *Code is amended to read:*

1 6795. Certificates of registration as a professional
2 engineer, and certificates of authority, shall be valid for
3 a period of ~~four~~ two years from the assigned date of
4 renewal. — ~~Quadrennial~~ Biennial renewals shall be
5 staggered on a monthly basis. To renew an unexpired
6 certificate, the certificate holder shall, on or before the
7 date of expiration indicated on the renewal receipt, apply
8 for renewal on a form prescribed by the board, and pay
9 the renewal fee prescribed by this chapter.

10 *SEC. 27. Section 6799 of the Business and Professions*
11 *Code is amended to read:*

12 6799. The amount of the fees prescribed by this
13 chapter shall be fixed by the board in accordance with the
14 following schedule:

15 (a) The fee for filing each application for registration
16 as a professional engineer and each application for
17 authority level designation at not more than ~~one~~ four
18 hundred ~~seventy-five~~ dollars ~~(\$175)~~ (\$400), and for each
19 application for certification as an engineer-in-training at
20 not more than ~~sixty one~~ hundred dollars ~~(\$60)~~ (\$100).

21 (b) The temporary registration fee for a professional
22 engineer at not more than 25 percent of the application
23 fee in effect on the date of application.

24 (c) The renewal fee for each branch of professional
25 engineering in which registration is held, and the renewal
26 fee for each authority level designation held, at no more
27 than the professional engineer application fee currently
28 in effect.

29 (d) The fee for a retired license at not more than 50
30 percent of the professional engineer application fee in
31 effect on the date of application.

32 (e) The delinquency fee at not more than 50 percent
33 of the renewal fee in effect on the date of reinstatement.

34 (f) The board shall establish by regulation an appeal
35 fee for examination. The regulation shall include
36 provisions for an applicant to be reimbursed the appeal
37 fee if the appeal results in passage of examination. The fee
38 charged shall be no more than the costs incurred by the
39 board.

(g) All other document fees are to be set by the board by rule.

Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.

~~SEC. 27.~~

SEC. 28. Section 8708 of the Business and Professions Code is amended to read:

8708. In order to safeguard property and public welfare, no person shall practice land surveying unless appropriately licensed or specifically exempted from licensure under this chapter, and only persons licensed under this chapter shall be entitled to take and use the titles “licensed land surveyor,” “professional land surveyor,” or “land surveyor,” or any combination of these words, phrases, or abbreviations thereof.

~~SEC. 28.~~

SEC. 29. Section 8710 of the Business and Professions Code is amended to read:

8710. (a) The Board for Professional Engineers and Land Surveyors is vested with power to administer the provisions and requirements of this chapter, and may make and enforce rules and regulations that are reasonably necessary to carry out its provisions.

(b) The board may adopt rules and regulations of professional conduct ~~to maintain a high standard of integrity in the land surveying profession that are not inconsistent with state or federal law.~~ The rules and regulations shall include definitions of incompetence and negligence. Every person who holds a license or certificate issued by the board pursuant to this chapter, or a license or certificate issued to a civil engineer pursuant to Chapter 7 (commencing with Section 6700), shall be governed by these rules and regulations.

(c) This section shall become inoperative on July 1, 2003, and, as of January 1, 2004, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2004, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section shall render the board subject to the review

1 required by Division 1.2 (commencing with Section 473).
2 However, the review of this board shall be limited to only
3 those unresolved issues identified by the Joint Legislative
4 Sunset Review Committee.

5 ~~SEC. 29.~~

6 *SEC. 30.* Section 8729 of the Business and Professions
7 Code is amended to read:

8 8729. (a) This chapter does not prohibit one or more
9 licensed land surveyors or civil engineers registered in
10 this state prior to 1982 (hereinafter called civil engineers)
11 from practicing or offering to practice within the scope
12 of their licensure, land surveying as a sole proprietorship,
13 partnership, firm, or corporation (hereinafter called
14 business), if the following conditions are satisfied:

15 (1) A land surveyor or civil engineer currently
16 licensed in the state is an owner, part owner, or officer in
17 charge of the land surveying practice of the business.

18 (2) All maps, plats, reports, descriptions, or other
19 documents are prepared under the responsible charge of
20 a land surveyor or civil engineer.

21 (3) The business name of a California business shall
22 only contain the name of a person licensed by the board
23 as a land surveyor or registered by the board in any year
24 as a civil engineer. Any offer, promotion, or
25 advertisement by the business which contains the name
26 of any individual in the business, other than by use of the
27 name of the individual in the business name, shall clearly
28 and specifically designate the license or registration
29 discipline of each individual named.

30 (b) An out-of-state business with a branch office in this
31 state shall meet the requirements of subdivision (a) and
32 shall have a part owner or officer who is in charge of the
33 land surveying work in this state, who is licensed in this
34 state, and who is physically present at the branch office
35 in this state on a regular basis. However, the name of the
36 business may contain the name of a person not licensed
37 in this state, if that person is appropriately licensed in
38 another state. Any offer, promotion, or advertisement
39 which contains the name of any individual in the business,
40 other than by use of the name of the individual in the

1 business name, shall clearly and specifically designate the
2 license or registration discipline of each individual
3 named.

4 (c) A fictitious name may be used for a land surveying
5 business if (1) the name does not conflict with the
6 provisions of paragraph (3) of subdivision (a) requiring
7 that a name used in the business name shall be that of an
8 appropriately licensed individual, and (2) an
9 organization record is filed with the board.

10 (d) A nonregistered person may also be a part owner
11 or an officer of a land surveying business if the conditions
12 of subdivision (a) are satisfied.

13 (e) This chapter does not prevent an individual or
14 business engaged in any line of endeavor, other than the
15 practice of land surveying, from employing or
16 contracting with a licensed land surveyor or a registered
17 civil engineer to perform the respective land surveying
18 services incidental to the conduct of business.

19 (f) This section shall not prevent the use of the name
20 of any business engaged in rendering land surveying
21 services, including the use by any lawful successor or
22 survivor, which lawfully was in existence on June 1, 1941.
23 However, the business is subject to the provisions of
24 paragraphs (1) and (2) of subdivision (a) and the
25 business shall file an organization record form with the
26 board as designated by board rule.

27 (g) A business engaged in rendering land surveying
28 services may use in its name the name of a deceased or
29 retired person if the following conditions are satisfied:

30 (1) The person's name had been used in the name of
31 the business, or a predecessor in interest of the business,
32 prior to the death or retirement of the person.

33 (2) The person shall have been an owner, part owner,
34 or officer of the business, or an owner, part owner, or
35 officer of the predecessor in interest of the business.

36 (3) The person shall have been licensed as a land
37 surveyor or a civil engineer by the board, if operating a
38 place of business or practice in this state, or by an
39 applicable state board in the event no place of business
40 existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another land surveying business in this state during the period of that consent, except that a retired person may use his or her name as the name of a new or purchased business, if that business is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to paragraphs (1) and (2) of subdivision (a).

(6) The business files a current organization record form with the board.

(h) This section does not affect Sections 6731.2 and 8726.1.

~~SEC. 30.~~

SEC. 31. Section 8741.1 of the Business and Professions Code is amended to read:

8741.1. The second division of the examination for licensure as a land surveyor shall include an examination that incorporates a national examination for land surveying by a nationally recognized entity approved by the board, and a supplemental California specific examination. The California specific examination shall test the applicant's knowledge of the provisions of this chapter and the board's rules and regulations regulating the practice of professional land surveying in this state. The board shall prepare and distribute to applicants for the second division of the examination a plain language pamphlet describing the provisions of this chapter and the board's rules and regulations regulating the practice of land surveying in the state.

The board shall use the national examination on or before ~~December 31, 2004~~ *April 1, 2003*. In the meantime, the board may continue to provide the current state-only second division examination and administer the test on the provisions of this chapter and board rules as a separate part of the second division examination for licensure as a land surveyor.

~~SEC. 31.~~

1 *SEC. 32.* Section 8747 of the Business and Professions
2 Code is amended to read:

3 8747. Any applicant who has passed the examinations
4 prescribed by the board shall have a suitable license
5 issued to him or her.

6 (a) An applicant who has passed the first division of the
7 examination shall be issued a certificate as a land
8 surveyor-in-training. No renewal or other fee, other than
9 the application fee, shall be charged for this certification.
10 This certificate shall become invalid upon the person
11 passing the second division of the examination and being
12 issued a license as a land surveyor, as provided in
13 subdivision (b). A land surveyor-in-training certificate
14 shall not authorize the holder thereof to practice or offer
15 to practice land surveying. No person shall use the title of
16 land surveyor-in-training, or any abbreviation of this title,
17 unless he or she is the holder of a valid land
18 surveyor-in-training certificate.

19 (b) An applicant who has passed the second division of
20 the examination shall be issued a license as a land
21 surveyor. The license shall authorize him or her to
22 practice as a land surveyor.

23 ~~*SEC. 32.*~~

24 *SEC. 33.* Section 8751 of the Business and Professions
25 Code is amended to read:

26 8751. No person shall represent himself or herself as,
27 or use the title of, or any abbreviation or combination of
28 the words in the title of, professional land surveyor,
29 licensed land surveyor, land surveyor, land survey
30 engineer, survey engineer, geodetic engineer, or
31 geometronic engineer unless he or she is the holder of a
32 valid, unsuspended, and unrevoked license.

33 ~~*SEC. 33.*~~

34 *SEC. 34.* Section 8753 of the Business and Professions
35 Code is amended to read:

36 8753. A temporary authorization to practice as a
37 professional land surveyor, as defined by this chapter,
38 may be granted for a specific project, upon application
39 and payment of the fee prescribed in Section 8805, for a

1 period not to exceed 180 days, if the applicant complies
2 with each of the following provisions:

3 (a) The applicant maintains no place of business in this
4 state.

5 (b) The applicant is legally qualified to practice land
6 surveying in the state or country where he or she
7 maintains a place of business.

8 (c) The applicant demonstrates by means of an
9 individual appearance before the board satisfactory
10 evidence of his or her knowledge of the practice of land
11 surveying in this state as related to the specific project for
12 which the temporary authorization is requested.

13 (d) The applicant takes and passes the examination in
14 the state laws and board rules described in Section 8741.1.

15 (e) The applicant notifies the board in writing of his or
16 her intention to practice, stating the approximate date
17 when he or she intends to commence the specific project
18 and the approximate duration of the specific project,
19 which shall not exceed 180 consecutive days from the
20 commencement date of the specific project.

21 Upon completion of the requirements, the executive
22 officer, on the direction of the board, shall issue a
23 temporary authorization to the applicant.

24 ~~SEC. 34. Section 8759 is added to the Business and~~
25 ~~Professions Code, to read:~~

26 ~~8759. (a) A licensed land surveyor or registered civil~~
27 ~~engineer authorized to proactive land surveying shall use~~
28 ~~a written contract when contracting to provide~~
29 ~~professional services to a client pursuant to this chapter.~~
30 ~~The written contract shall be executed by the licensed~~
31 ~~land surveyor or registered civil engineer and the client,~~
32 ~~or his or her representative, prior to the licensed land~~
33 ~~surveyor or registered civil engineer commencing work,~~
34 ~~unless the client knowingly states in writing that work~~
35 ~~may be commenced before the contract is executed. The~~
36 ~~written contract shall include, but not be limited to, all of~~
37 ~~the following:~~

38 ~~(1) A description of the services to be provided to the~~
39 ~~client by the licensed land surveyor or registered civil~~
40 ~~engineer.~~

~~(2) A description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.~~

~~(3) The name, address, and license or certificate number of the licensed land surveyor or registered civil engineer, and the name and address of the client.~~

~~(4) A description of the procedure that the licensed land surveyor or registered civil engineer and the client will use to accommodate additional services.~~

~~(5) A description of the procedure to be used by any party to terminate the contract.~~

~~(b) This section shall not apply to any of the following:~~

~~(1) Professional land surveying services rendered by a licensed land surveyor or registered civil engineer for which the client will not pay compensation.~~

~~(2) An arrangement as to the basis for compensation, and the manner of providing professional services, implied by the fact that the licensed land surveyor's or registered civil engineer's services are of the same general kind that the licensed land surveyor or registered civil engineer has previously rendered to and received payment for, from the same client.~~

~~(3) If the client knowingly states in writing after full disclosure of this section that a contract which complies with the requirements of this section is not required.~~

~~(4) Professional services rendered by a licensed land surveyor or a registered civil engineer to any of the following:~~

~~(A) A professional engineer licensed or registered under Chapter 7 (commencing with Section 6700).~~

~~(B) A land surveyor licensed under this chapter.~~

~~(C) An architect licensed under Chapter 3 (commencing with Section 5500).~~

~~(D) A contractor licensed under Chapter 9 (commencing with Section 7000).~~

~~(E) A geologist or a geophysicist licensed under Chapter 12.5 (commencing with Section 7800).~~

SEC. 35. Section 8761 of the Business and Professions Code is amended to read:

1 8761. Any licensed land surveyor or registered civil
2 engineer may practice land surveying and prepare maps,
3 plats, reports, descriptions, or other documentary
4 evidence in connection therewith. All maps, plats,
5 reports, descriptions, or other documents issued by the
6 licensed land surveyor or registered civil engineer shall
7 be signed by the surveyor or engineer to indicate the
8 surveyor's or engineer's responsibility for them. In
9 addition to the signature, the map, plat, report,
10 description, or other document shall bear the seal or
11 stamp of the licensee or registrant and the expiration date
12 of the license or registration. If the map, plat, report,
13 description, or other document has multiple pages or
14 sheets, the signature, seal or stamp, and expiration date
15 of the license or registration need only appear on the
16 originals of the map or plat and on the title sheet of the
17 report, description, or other document.

18 Every map or plat issued by a licensed land surveyor or
19 registered civil engineer shall show the bearing and
20 length of lines, scale of map and north arrow, the name
21 and legal designation of the property depicted, and the
22 date or time period of the preparation of the map or plat.

23 It is unlawful for any person to sign, stamp, seal, or
24 approve any map, plat, report, description, or other
25 document unless the person is authorized to practice land
26 surveying.

27 It is unlawful for any person to stamp or seal any map,
28 plat, report, description, or other document with the seal
29 after the certificate of the licensee that is named on the
30 seal has expired or has been suspended or revoked, unless
31 the certificate has been renewed or reissued.

32 SEC. 36. Section 8773.4 of the Business and
33 Professions Code is amended to read:

34 8773.4. (a) No corner record shall be filed unless the
35 same is signed by a licensed land surveyor or registered
36 civil engineer and stamped with his or her seal, or in the
37 case of an agency of the United States government or the
38 State of California the certificate may be signed by the
39 chief of the survey party making the survey, setting forth
40 his or her official title.



(b) No corner record need be filed when:

(1) A corner record is on file and the corner is found as described in the existing corner record.

(2) All conditions of Section 8773 are complied with by proper notations on a record of survey map filed in compliance with the Land Surveyor's Act or a parcel or subdivision map, in compliance with the Subdivision Map Act.

(3) When the survey is a survey of a mobilehome park interior lot as defined in Section 18210 of the Health and Safety Code, provided that no subdivision map, official map, or record of survey has been previously filed for the interior lot or no conversion to residential ownership has occurred pursuant to Section 66428.1 of the Government Code.

This section shall not apply to maps filed prior to January 1, 1974.

SEC. 37. Section 8775 of the Business and Professions Code is amended to read:

8775. No person shall use the title or any abbreviation of the title photogrammetrist or photogrammetric surveyor unless he or she holds registration as a civil engineer or licensed land surveyor, or unless he or she is licensed as a photogrammetric surveyor.

SEC. 38. Section 8780 of the Business and Professions Code is amended to read:

8780. The board may receive and investigate complaints against licensed land surveyors and registered civil engineers, and make findings thereon. By a majority vote, the board may suspend for a period not to exceed two years, or revoke the license or certificate of any licensed land surveyor or registered civil engineer, respectively, licensed under this chapter or registered under the provisions of Chapter 7 (commencing with Section 6700), whom it finds to be guilty of:

(a) Any fraud, deceit, misrepresentation, negligence, or incompetency in his or her practice of land surveying.

(b) Any negligence or incompetence in his or her practice of land surveying.

(c) Any fraud or deceit in obtaining his or her license.

1 (d) Any violation of any provision of this chapter or of
2 any other law relating to or involving the practice of land
3 surveying.

4 (e) Any conviction of a crime substantially related to
5 the qualifications, functions and duties of a land surveyor.
6 The record of the conviction shall be conclusive evidence
7 thereof.

8 (f) Aiding or abetting any person in the violation of
9 any provision of this chapter.

10 (g) A breach of contract in connection with the
11 practice of land surveying.

12 (h) A violation in the course of the practice of land
13 surveying of a rule or regulation of unprofessional
14 conduct adopted by the board.

15 SEC. 39. Section 8780.1 is added to the Business and
16 Professions Code, to read:

17 8780.1. The board may receive and investigate
18 complaints against land surveyors-in-training, and make
19 findings thereon.

20 By a majority vote, the board may revoke the
21 certificate of any land surveyor-in-training:

22 (a) Who has been convicted of a crime as defined in
23 subdivision (a) of Section 480.

24 (b) Who has been found guilty of any fraud, deceit, or
25 misrepresentation in obtaining his or her land
26 surveyor-in-training certificate or license as a professional
27 land surveyor.

28 (c) Who aids or abets any person in the violation of any
29 provision of this chapter.

30 (d) Who violates Section 119 with respect to a land
31 surveyor-in-training certificate or commits any act
32 described in Section 8792.

33 (e) Any violation of any provision of this chapter.

34 SEC. 40. Section 8781 of the Business and Professions
35 Code is amended to read:

36 8781. The proceedings under this article shall be
37 conducted in accordance with Chapter 4 (commencing
38 with Section 11370), Chapter 4.5 (commencing with
39 Section 11400), and Chapter 5 (commencing with Section
40 11500) of Part 1 of Division 3 of Title 2 of the Government

1 Code, and the board shall have all the powers granted
2 therein.

3 SEC. 41. Section 8792 of the Business and Professions
4 Code is amended to read:

5 8792. Every person is guilty of a misdemeanor:

6 (a) Who, unless he or she is exempt from licensing
7 under this chapter, practices, or offers to practice, land
8 surveying in this state without legal authorization.

9 (b) Who presents as his or her own the license of a
10 professional land surveyor unless he or she is the person
11 named on the license.

12 (c) Who attempts to file as his or her own any record
13 of survey under the license of a professional land
14 surveyor.

15 (d) Who gives false evidence of any kind to the board,
16 or to any member, in obtaining a license.

17 (e) Who impersonates or uses the seal of a professional
18 land surveyor.

19 (f) Who uses an expired, suspended, or revoked
20 license.

21 (g) Who represents himself or herself as, or uses the
22 title of, professional land surveyor, or any other title
23 whereby that person could be considered as practicing or
24 offering to practice land surveying, unless he or she is
25 correspondingly qualified by licensure as a land surveyor
26 under this chapter.

27 (h) Who uses the title, or any combination of that title,
28 of “professional land surveyor,” “licensed land surveyor,”
29 “land surveyor,” or the titles specified in Sections 8751
30 and 8775, or “land surveyor-in-training,” or who makes
31 use of any abbreviation of that title that might lead to the
32 belief that he or she is a licensed land surveyor or holds
33 a certificate as a land surveyor-in-training, without being
34 licensed or certified as required by this chapter.

35 (i) Who, unless appropriately licensed, manages, or
36 conducts as manager, proprietor, or agent, any place of
37 business from which land surveying work is solicited,
38 performed, or practiced, except as authorized pursuant
39 to Section 6731.2 and subdivision (d) of Section 8729.

40 (j) Who violates any provision of this chapter.

1 *SEC. 42. Section 8801 of the Business and Professions*
2 *Code is amended to read:*

3 8801. Licenses issued under this chapter expire every
4 ~~four~~ *two* years, if not renewed. —~~Quadrennial~~ *Biennial*
5 renewals shall be staggered on a quarterly basis. To renew
6 an unexpired license the license holder shall on or before
7 the date of expiration indicated on the renewal receipt,
8 apply for renewal on a form prescribed by the board, and
9 pay the renewal fee prescribed by this chapter.

10 *SEC. 43. Section 8805 of the Business and Professions*
11 *Code is amended to read:*

12 8805. The amount of the fees prescribed by this
13 chapter shall be fixed by the board in accordance with the
14 following schedule:

15 (a) The fee for filing each application for licensure as
16 a land surveyor at not more than ~~one~~ *four* hundred
17 ~~seventy-five~~ dollars—~~(\$175)~~ *(\$400)*, and for each
18 application for certification as a land surveyor-in-training
19 (LSIT) at not more than ~~sixty one~~ *one hundred* dollars—~~(\$60)~~
20 ~~(\$100)~~.

21 (b) The temporary registration fee for a land surveyor
22 at not more than 25 percent of the application fee in effect
23 on the date of application.

24 (c) The renewal fee for a land surveyor at not more
25 than the application fee.

26 (d) The fee for a retired license at not more than 50
27 percent of the professional land surveyor application fee
28 in effect on the date of application.

29 (e) The delinquency fee at not more than 50 percent
30 of the renewal fee in effect on the date of reinstatement.

31 (f) The board shall establish by regulation an appeal
32 fee for examination. The regulation shall include
33 provisions for an applicant to be reimbursed the appeal
34 fee if the appeal results in passage of examination. The fee
35 shall be no more than the costs incurred by the board.

36 (g) All other document fees are to be set by the board
37 by rule.

38 ~~SEC. 42.~~

39 *SEC. 44.* No reimbursement is required by this act
40 pursuant to Section 6 of Article XIII B of the California

1 Constitution because the only costs that may be incurred
2 by a local agency or school district will be incurred
3 because this act creates a new crime or infraction,
4 eliminates a crime or infraction, or changes the penalty
5 for a crime or infraction, within the meaning of Section
6 17556 of the Government Code, or changes the definition
7 of a crime within the meaning of Section 6 of Article
8 XIII B of the California Constitution.

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